

AB 1415 – Mercury in Products Reduction Act of 2005

Assemblymember Fran Pavley

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IN BRIEF

In order to reduce the amount of mercury in the environment, this bill would ban the sale and distribution of products with mercury-containing switches, relays, measuring devices, and gastrointestinal tubes by July 1, 2006. As a result of negotiations with various business entities and the Department of Toxic Substances Control (DTSC), a broad exemption for products that meet certain criteria, and several product-specific exemptions were added to the bill.

THE ISSUE

MERCURY

Mercury is a persistent, bioaccumulative toxin which can cause damage to the brain, liver and kidneys, as well as developmental disorders. People can be exposed to mercury by eating mercury-contaminated fish and by inhaling its vapors. Pregnant women, women of childbearing age, and young children need to be especially careful to prevent mercury exposure.

Many products contain mercury, such as thermostats, household appliances, and blood pressure measuring devices. When these products are broken or disposed of, mercury can be released into the air and eventually make its way into water bodies where it accumulates in the food chain and can be taken up by fish and wildlife.

Mercury pollution poses serious environmental problems in California and throughout the United States. In order to curb its continuing concentration in our state's environment, we need to limit its use and, therefore, its introduction into the waste, water, and air streams.

Mercury-containing switches, relays, measuring devices, and gastrointestinal tubes contain more mercury than is used to manufacture all other mercury-containing products in the United States. Cost-effective, non-mercury versions of these products are readily available.

The states of Maine and Illinois recently banned the sale of products with mercury-containing switches, relays, measuring devices and gastrointestinal tubes.

EXISTING LAW

Current law does the following:

- Prohibits any K-12 school from purchasing devices and materials containing mercury for use in classrooms and labs, except measuring devices when no adequate alternative exists.
- Encourages removal and recovery of switches containing mercury in vehicles.
- Bans the sale or distribution of fever thermometers containing mercury without a prescription.
- Prohibits the manufacture, sale, or distribution of mercury-added novelty items in California.
- Bans the sale of new vehicles if they have light switches containing mercury.
- Bans the sale and distribution of mercury-containing thermostats on or after January 1, 2006.
- Establishes a "Universal Waste Rule" under which high volume, relatively low-risk hazardous waste (such as many consumer products containing mercury) can be handled, recycled, and disposed of according to simplified, "universal" rules. Universal wastes produced by households and small businesses can continue to be disposed of in landfills until February 2006. Otherwise, universal wastes must be sent to authorized

recycling facilities or to a universal waste consolidator.

THIS BILL

First, this bill would ban the sale and distribution in California of all products with mercury-containing switches, relays, measuring devices, and gastrointestinal tubes by July 1, 2006.

This ban does not apply to a mercury-added switch or relay if the use of the product is required under a federal law or federal contract, or if the product's only mercury-containing component is a button-cell battery. This ban also exempts mercury-containing switches and relays that are used to replace switches and relays that are components of a larger product in use prior to January 1, 2007.

Senate amendments to the bill contain additional exemptions, which include:

- a general exemption that manufacturers can apply for,
- a specific exemption for a mercury switch or relay that contains less than 1 milligram of mercury if the switch or relay is intended for industrial use in test and measurement instruments or in systems for monitoring and control applications,
- a specific exemption for the resale of a refurbished imaging and therapy system utilized for medical diagnostic purposes that includes a mercury switch or relay.

In addition, the bill provides an alternate phase-out date for mercury diostats sold individually or in a new or refurbished oven or gas range. This phase-out date is January 1, 2008.

SUPPORT

Sierra Club California(sponsor)
California Department of Toxic Substances
Control
Natural Resources Defense Council

California Association of Sanitation Agencies
Californians Against Waste
Physicians for a Social Responsibility – San
Francisco Chapter
Clean Water Action
Center for Environmental Health
California Environmental Rights Alliance
California Safe Schools
California Committees Against Toxics
Del Amo Action Committee
Children's Environmental Health Network
Healthy Children Organizing Project
National Environmental Trust
Environmental Defense
The League of Cities
California Association of Sanitation Agencies
Mercy Medical Center Redding
Solid Waste Association of North America
Catholic Healthcare West

OPPOSITION

None on file.

FOR MORE INFORMATION

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